Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
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In re: Delete, Delete, Delete	)	GN Docket No. 25-133
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	)	

COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

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COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (CCA)[1] respectfully submits these comments in response to the Federal Communications Commission's (FCC or Commission) Public Notice seeking comment on eliminating outdated or burdensome rules, or otherwise unnecessary FCC rules for elimination or modification.[2] CCA strongly supports the Commission's goal of reducing unnecessary regulatory burdens—especially those that hinder innovation, delay infrastructure deployment, or disproportionately affect smaller and rural providers—while preserving essential consumer protections and public safety objectives.

INTRODUCTION AND SUMMARY

As an association of competitive carriers whose membership includes carriers serving rural and regional markets, many of CCA's members often operate with constrained resources while delivering essential connectivity to underserved communities. A number of existing FCC rules impose disproportionate compliance burdens on these providers, limit operational

[1] CCA is the nation's leading association for competitive providers and stakeholders across the United States. Members range from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers, as well as vendors and suppliers that provide products and services throughout the communications ecosystem.

[2] *In re: Delete, Delete, Delete*; Public Notice, GN Docket No. 25-133, DA 25-219 (rel. Mar. 12, 2025).

flexibility, and in some cases, no longer serve their original purpose due to technological or marketplace changes. In these comments, CCA identifies specific rules for potential elimination or reduction. Specifically, the Commission should consider elimination or reduction of rules that (1) impose heavy costs or procedural hurdles that disproportionately burden small or rural providers; (2) hinder network investment or broadband access expansion; (3) create redundant or overlapping compliance obligations; or (4) extend beyond Congressional intent. In each case, CCA provides recommendations to alleviate undue burdens while maintaining the Commission's core public interest goals. By eliminating rules whose costs outweigh or no longer serve their intended benefits, the Commission can promote innovation and investment, especially in rural and high-cost areas, without undermining critical consumer protection or public safety objectives.

DISCUSSION

I. PROPOSED REGULATIONS FOR ELIMINATION OR REDUCTION

a. BROADBAND DATA COLLECTION RULES

i. Broadband Data Collection Professional Engineer Certification Requirement (47 CFR § 1.7004(d))

The Commission's Broadband Data Collection (BDC) rules require providers' biannual BDC filings to be certified by a qualified Professional Engineer (PE) if not certified by a corporate engineering officer.[3] At CCA's urging,[4] the Commission has waived the PE certification requirement since 2022, highlighting the challenges faced by providers, particularly

[3] 47 CFR § 1.7004(d).

[4] Petition for Extension of Waiver of Competitive Carriers Association and USTelecom – The Broadband Association, WC Docket No. 19-195 (filed Aug. 4, 2023) ("2023 Waiver Petition"); Petition of Competitive Carriers Association for Declaratory Ruling or Limited Waiver, WC Docket No. 19-195 (filed May 13, 2022).

small and rural providers, in hiring third-party professional engineers.[5] The Commission found that the limited pool of PE engineers from which providers could hire, as well as the costs of hiring such engineers, warranted waiver of the PE certification requirements.[6] In the fall of 2024, the Commission sought comment on a proposal to eliminate the BDC PE certification requirement and make permanent its current waiver provisions that allow BDC submissions to be certified by non-PE RF engineers,[7] which CCA strongly supported.[8] The challenges for providers are unchanged since CCA's initial petition for waiver: there remains a very limited number of RF engineers with PE licenses available, and contracting costs are prohibitive for carriers in remote areas.[9] In addition, the waiver experience has shown that allowing knowledgeable internal engineers to certify broadband data (even if not PEs) suffices.[10] CCA believes that elimination of the PE certification requirement is a high priority. The rule's compliance costs

[5] *Establishing the Digital Opportunity Data Collection; Competitive Carriers Association Petition for Declaratory Ruling or Limited Waiver Regarding the Requirement for a Certified Professional Engineer to Certify Broadband Data Collection Maps*, WC Docket No. 19-195, Declaratory Ruling and Limited Waiver, DA 22-733 (2022); *Establishing the Digital Opportunity Data Collection; Competitive Carriers Association and USTelecom –The Broadband Association Petition for Extension of Waiver Regarding the Requirement for a Certified Professional Engineer to Certify Broadband Data Collection Maps*, WC Docket No. 19-195, Order, DA 23-1123 (2023) ("2023 Order").

[6] 2023 Order ¶ 10 (finding "that the ongoing lack of certified PEs who specialize in RF engineering and broadband network design constitutes 'special circumstances' that warrant a deviation from the general rule" and that a waiver serves the public interest because "[t]he continuing lack of PEs to certify BDC filings threatens to undermine the goal of collecting and developing accurate broadband availability data").

[7] *Establishing the Digital Opportunity Data Collection, Modernizing the FCC Form 477 Data Program*, Fourth Report and Order, Declaratory Ruling, and Fourth Further Notice of Proposed Rulemaking, FCC 24-72, WC Docket Nos. 19-195 and 11-10 (rel. July 12, 2024).

[8] Comments of Competitive Carriers Association, WC Docket Nos. 19-195, 11-10 (filed Oct. 7, 2024).

[9] *See, e.g.*, Reply Comments on WISPA – Broadband Without Boundaries, WC Docket No. 19-195 at 3 (filed Sept. 11, 2023); Comments of BDC Carrier Coalition, WC Docket No. 19-195 at 4 (filed Sept. 1, 2023); Comments of CTIA, WC Docket No. 19-195 at 3 (filed Sept. 1, 2023).

[10] *See, e.g.*, 2023 Waiver Petition at 5-6.

exceed any marginal benefit, and its elimination will relieve a needless compliance burden and free up scarce engineering resources to focus on expanding and improving networks.

ii. Outdoor Stationary Data Requirement for Mobile Broadband Maps (47 CFR § 1.7004(c)(5))

CCA urges the Commission to discontinue the use of outdoor stationary data in constructing the mobile broadband availability maps.[11] As CCA and others have emphasized, stationary testing may have significant value in assessing fixed broadband service, but it does not reflect real-world mobile user experience.[12] Requiring outdoor stationary data to determine mobile broadband availability introduces a fundamental misalignment between the data collected and the real-world experience it purports to measure. In addition, outdoor stationary data significant overstates mobile broadband availability in BDC data. For example, when comparing in-vehicle and outdoor stationary data collected as part of the BDC, CCA found that the in-vehicle measurements indicated approximately 38%-51.9% of the coverage of outdoor stationary measurements at 7/1 Mbps.[13] The misalignment between outdoor stationary data and in-vehicle data, as well as disparities in coverage between the data, create harmful distortions when being used by the Commission for policy determinations and program eligibility.

In addition to overstating coverage and performance levels, the use of outdoor stationary data for mobile maps creates significant burdens for small carriers in attempting to challenge BDC data. Smaller carriers and carriers in rural areas often cannot easily conduct comprehensive outdoor stationary testing across their service areas. CCA members have reported that

[11] 47 CFR 1.7004(c)(5)

[12] *See* Comments of Competitive Carriers Association, GN Docket No. 24-214 (filed Oct. 7, 2024) ("CCA Section 706 Comments).

[13] *Id.* at 6.

conducting the required stationary tests across large swaths of terrain is often excessively burdensome or even impossible.[14] However, under the current rules, failure to include sufficient outdoor stationary data would prevent submission of a challenge.

Requiring data that does not ultimately serve the core purpose of depicting true mobile broadband availability wastes resources that could be used to improve or expand a provider's network. Eliminating the stationary data requirement for mobile mapping is a high priority for CCA, as it would reduce significant administrative costs without sacrificing the accuracy of the BDC mobile maps. In fact, eliminating outdoor stationary data would likely improve the accuracy of mobile broadband data by focusing on metrics that reflect actual mobile usage. Small and rural providers could devote their limited data collection resources to the most meaningful testing efforts, and challenges to BDC data would face fewer procedural hurdles.

iii. Mobile Challenge Process Data Requirements (47 CFR § 1.7006(f), (e)(2))

As CCA has repeatedly cautioned, considerable problems persist in relation to the BDC's mobile challenge process and improvements are necessary to make the process workable for small providers and other entities to correct the maps.[15] As currently implemented, the mobile bulk challenge process has such rigid data submission parameters that legitimate challenges have been rejected.[16] Providers willing to invest time and resources in data collection have seen their

[14] Letter from David A. LaFuria, Counsel for Nex-Tech Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 20-32, WC Docket Nos. 11-10, 19-195 (filed Apr. 24, 2024) ("Nex-Tech Letter").

[15] *See, e.g.*, Letter from Sean Lev, Counsel to CCA, et al., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 20-32 (filed Aug. 2, 2024).

[16] According to the Commission, as of August 2024, approximately 270,000 individual and crowdsource challenges were submitted resulting in 175 challenges and only 58 changes, and not a single bulk mobile challenge was accepted by the Commission. These figures are particularly staggering when compared to the fixed maps, which have had over 3.7 million challenges that resulted in 2.5 million updates to the maps. *See* CCA Section 706 comments at 3; *Broadband Data*

challenges rejected on upload due to minor formating issues or overly strict criteria. This was the case of CCA member Nex-Tech Wireless. Nex-Tech Wireless spent hundreds of hours and significant effort gathering data for a bulk mobile data challenge, only to have the BDC's system reject the submission.[17] By the time the issue was resolved, the data had aged out and was unusable. Nex-Tech Wireless's experience has deterred further attempts by itself and other providers to file bulk mobile challenges.[18] The Commission can resolve these hurdles and encourage challenges by relaxing certain data field requirements and allowing a more permissive format for mobile bulk challenges.

The Commission can also strengthen the mobile challenge process by eliminating the use of the FCC's Mobile Speed Test app and permitting expanded non-FCC commercial broadband apps or datasets for crowdsourced speed test data. Currently, only data from the FCC's Speed Test app can be used for mobile challenges, yet adoption of that app remains incredibly low—particularly in rural areas with sparse populations.[19] On the other hand, third-party testing platforms are used widely across the country. For example, Ookla's Speedtest app has been installed over 50 million times in the United States, with more than 11 million unique users

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Task Force Seeks Comment on the Broadband Data Collection Challenge Processes, Public Notice, DA-24-64, WC Docket Nos. 11-10, 19-195, at 5 (rel. Jan. 19, 2024).

[17] *See, e.g.*, Nex-Tech Letter.

[18] By its own admission, the Commission reported in August 2024 that no bulk challenge submissions had been approved for the mobile challenge process. *See Establishing a 5G Fund for Rural America*, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, FCC 24-72, GN Docket No. 20-32 ¶ 56 n. 188 (rel. Aug. 2024).

[19] The FCC's Mobile Speed Test app only just exceeded 10,000 downloads in the Google Play Store. *See FCC Mobile Speed Test*, Google Play Store, https://play.google.com/store/apps/details?id=com.agence3pp.fcc (last visited April. 5, 2025). *But see* Letter from Angela Simpson, General Counsel & SVP Legal and Regulatory Affairs, CCA, to Marlene H. Dortch, Secretary, FCC ET Docket Nos. 24-2, 22-252 and WC Docket No. 19-195 at 2-3 (filed Nov. 1, 2024) (noting that Google Play Store downloads numbered between 5,000 and 9,999 downloads at time of filing).

conducting tests every day.[20] These tests, taken in locations and at times consumers actually use their mobile devices, represents a valuable resource for the Commission.

Allowing trusted third-party crowdsourced data and simplifying the mobile bulk challenge process will make the mobile challenge process more accessible and effective. This will significantly enhance the accuracy of the mobile broadband maps, which will be a critical for a successful 5G Fund and other policy determinations. Updating these rules will alleviate disproportionate burdens on small and rural providers and improve the quality of the BDC's mobile broadband availability data.

b. DIGITAL DISCRIMINATION AND CONSUMER INFORMATION RULES

i. Disparate Impact Standard in Digital Discrimination Rules (47 CFR §§ 0, 1, and 16)

CCA urges the Commission to eliminate the "disparate impact" standard adopted in its digital discrimination rules.[21] The disparate impact standard goes beyond Congress's intent in the Infrastructure Investment and Jobs Act (IIJA), which directs the Commission to address intentional discrimination in broadband access.[22] The disparate impact standard introduces regulatory uncertainty and potential significant liability for broadband providers acting in good faith—particularly in rural and wireless contexts where service quality may vary due to geography, spectrum availability, and network design.[23]

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[20] *See* Letter from David Bryan Darr, Vice President, Government Affairs, Ookla, LLC, to Marlene Dortch, Secretary, FCC, WC Docket Nos. 11-10, 19-195, GN Docket No. 20-32, at 2 (filed Apr. 12, 2024); Speedtest, Ookla LLC (last visited Oct. 2, 2024), https://www.speedtest.net/about.

[21] *Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, Report and Order and Further Notice of Proposed Rulemaking, FCC 22-98, GN Docket No. 22-69 ¶ 39 (Nov. 20, 2023).

[22] IIJA, Pub. L. No. 117-58, § 60506(a)(2).

[23] Reply Comments of T-Mobile USA, Inc., GN Docket. No. 22-69 at 18-19 (filed Apr. 20, 2023) (describing the technical challenges that exist for wireless deployment "including variable coverage

Numerous industry stakeholders have warned that this framework could chill investment.[24] Providers face the risk of enforcement not based on actual discriminatory intent, but on statistical disparities resulting from legitimate factors like population density or terrain. This is especially problematic for small and rural providers who face increased compliance costs and litigation risks, diverting resources from broadband deployment and efforts to bridge the digital divide.

Instead of a disparate impact model, the Commission should adopt an intent-based standard, which is aligned with statutory authority and would better serve the goal of digital equity. This model would also preserve the ability of providers, especially those operating in high-cost areas, to expand service without fear of inadvertent noncompliance. By realigning the rules with Congressional intent, the Commission can more effectively advance broadband access for all Americans.

ii. Broadband Labelling Requirements (47 CFR § 8)

CCA shares the Commission's goal of empowering consumers with information to make informed choices. However, the broadband "nutrition label" requirements adopted in 2022 are overly prescriptive and impose significant costs on providers for minimal consumer benefit.[25]

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based on geography, topography, propagation characteristics, and intensity of usage") (internal quotations omitted).

[24] *See* Letter from Jordan Crenshaw, Vice President, U.S. Chamber of Commerce, GN Docket No. 22-69 at 7 (filed Jan. 20, 2023) ("[A] disparate impact standard would chill competition and deployment, and put Section 60506 on a collision course with other IIJA provisions. Broadband providers would be loathe to spend the billions necessary to deliver highspeed broadband to particular areas, including unserved areas, if they were faced with potential liability for failing to deliver it everywhere. The result would undermine the purpose of the IIJA"). *See also*, Comments of US Telecom – The Broadband Association, GN Docket No. 22-69 at 30 (filed Mar. 4, 2024); Letter from Ted Cruz, Senator, U.S. Senate et al., to Jessica Rosenworcel, Chairwoman, FCC (filed Nov. 10, 2023).

[25] 47 CFR § 8; *Empowering Broadband Consumers Through Transparency*, Report and Order and Further Notice of Proposed Rulemaking, FCC 22-86, 87 Fed. Reg. 76959 (Dec. 16, 2022).

The rules mandate a one-size-fits-all label with specific disclosures to be prominently displayed at point of sale and updated continuously. For small and rural providers especially, this is a significant undertaking that requires website overhauls, consumer interface changes, and ongoing tracking of all service plans to ensure accuracy. These strict transparency mandates are particularly burdensome for smaller providers with limited staff and resources.

The information provided in broadband labels is already available through other means, such as providers' websites, marketing materials, and other required disclosures. The heavy lift providers must take on to comply with such strict labelling requirements are unnecessarily duplicative. Providers should have the flexibility to offer unique, new, or innovative competitive offerings that can benefit consumers and provide accurate labelling information regarding those service offerings, without running afoul of overly rigid or standardized broadband labelling rules. For smaller providers, maintaining labels across all platforms is costly and offers marginal benefit to consumers already receiving this information through other means.

iii. Hearing Aid Compatibility Website Information Requirements (47 CFR § 20.19(h))

The FCC's current hearing aid compatibility (HAC) rules require providers to post and maintain detailed information about HAC-compliant handsets on their websites. This includes certifications for each handset model's hearing aid ratings and operating frequencies, among other information.[26] While it is important for consumers to have access to information, other resources already provide detailed information about HAC-compliant handsets. The Global Accessibility Reporting Initiative (GARI) database has comprehensive information for all HAC-compliant websites, as well device manufacturers websites and service manuals.[27] For small

[26] 47 CFR § 20.19(h).

[27] *Global Accessibility Reporting Initiative*, gari.info (last visited Apr. 2, 2025).

carriers, maintaining up-to-date information on their websites for each device is a costly and time-consuming task with little benefit to consumers. Customers who need HAC information are most likely to consult their device's user manuals or consult the GARI website, which is known as a widely reliable resource.[28] The Commission should eliminate the HAC handset website rule because it would reduce an unnecessary administrative cost for carriers without depriving consumers of important information.

c. INFRASTRUCTURE

i. Environmental and Historic Preservation Review Requirements (47 CFR §§ 1.1301-1.1320)

CCA supports efforts to streamline the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) review processes as they apply to communications infrastructure, particularly for deployments with minimal environmental or historic impact.[29] The Commission's current rules automatically trigger environmental assessments or historic review for a broad set of wireless facility deployments.[30] This rule makes sense for large installations such as large towers, but these rules sweep in many insignificant installations. Review processes can require hiring consultants, conducting studies, and awaiting approvals from different agencies or tribal entities, which can add significant delay and expense to deployment. While protecting the environment and cultural heritage is important, the Commission should adjust its rules to consider actual impact.

CCA urges the Commission to update the categories of wireless facilities subject to environmental and historic review to carve out small-scale deployments that have little or no

[28] Comments of CTIA, CG Docket No. 10-213 at 22-23 (filed May 6, 2024).

[29] 47 CFR §§ 1.1301-1.1320.

[30] 47 CFR § 1.1307.

potential for significant impact. Many routine deployments, such as replacement poles or the installation of backhaul fiber, do not warrant the extensive scrutiny and review as a 300-foot new tower in a wilderness area. By reasonably narrowing the scope of NEPA/NHPA reviews, the Commission will eliminate needless delays (which often hit rural areas hardest) and reduce costs that ultimately would be used for network expansion. CCA applauds the Commission's swift action to seek comment on CTIA's Petition for Rulemaking on ways to improve the siting and permitting processes for network deployments.[31] CCA urges the Commission to initiate a rulemaking with proposed revised rules to exclude additional classes of small deployments from lengthy NEPA/NHPA reviews. Reducing unnecessary regulatory obstacles on infrastructure deployment has been a long-standing priority for the Commission, and now is the time to achieve that goal by removing outdated review rules.

ii. USF Claw Back Rules for Good Faith High-Cost Support Recipients (47 CFR § 54.322(k)(2))

The Commission should reform its approach to recouping universal service funds ("claw backs") from eligible telecommunications carriers who later face challenges or changes in their supported service areas and relinquish their ETC designations. Under the current rules, if a provider that received high-cost support fails to meet certain deployment obligations or relinquishes its ETC designation (e.g., leaves a market due to poor business conditions), the FCC *will* impose a recovery of the amount of support received since December 28, 2020 that was not used for the deployment, maintenance, and operation of mobile networks that provide 5G service despite the good faith of the provider.[32] Such claw back support payments can unfairly punish

[31] *Wireless Telecommunications Bureau Seeks Comment on CTIA Petition for Rulemaking*, Public Notice RM-12003 (rel. Mar. 31, 2025).

[32] *See, e.g.*, 47 CFR § 54.322(k)(2).

providers who acted in good faith to expand service in unserved areas. This is especially true for small and rural carriers, for whom universal service support is a critical element of their business model. These carriers might invest heavily to build out to high-cost locations relying on USF support, only to have the support withdrawn retroactively due to factors beyond their control. The looming threat of claw backs can create uncertainty and discourages participation in new programs. CCA proposes that the Commission eliminate or significantly soften the claw back rule for carriers who substantially complied or made diligent efforts to meet buildout requirements. Instead of automatic punitive recoupment, the FCC could adopt a case-by-case approach: if a provider has demonstrated good faith but fell short due to legitimate challenges (e.g., supply chain delays or permitting problems), the Commission should work with the provider rather than impose a rigid claw back policy. Claw backs should be limited for bad faith actions and misuse, not deployed as a tool to penalize those providers striving to connect hard-to-serve areas. Removing claw back clauses and their accompanying uncertainty will promote greater broadband buildout in unserved communities, furthering the Commission's universal service goals.

iii. HUBB Reporting Obligations (47 CFR § 54.313)

While CCA recognizes the need for appropriate government oversight of broadband buildout tied to federal funding, the current High-Cost Universal Broadband (HUBB) reporting obligations are excessively rigid, especially for smaller providers navigating real-world deployment challenges. In particular, the HUBB portal requires detailed geolocation data for each serviceable location but excludes valid points if they lack formal street addresses—even when those same locations are deemed serviceable under the BDC system.

CCA urges the Commission to revise its rules and the HUBB portal requirements to allow greater flexibility for circumstances where strict compliance is either infeasible or misaligned with actual deployment environment. For instance, one CCA member participating in the CAF Phase II Auction was required to build out a specific number of locations. After deployment began, several of those locations were subsequently deemed ineligible and one was destroyed and never rebuilt. Despite best efforts and substantial investment, the provider cannot meet the original target due to circumstances outside of their control. Under the current rules, this shortfall could expose the provider to unnecessary penalties, even though it acted in good faith and provided service to all eligible locations.

To address these challenges, CCA recommends that the Commission adopt more forgiving HUBB reporting requirements or adopt a clear waiver process for carriers that experience post-award changes to location eligibility. These changes would reduce unnecessary burdens and allow federal broadband programs to reflect deployment realities, especially for small providers serving rural and hard-to-reach areas. Most important, they would ensure that broadband providers can focus their limited resources on actual service delivery—not navigating arbitrary or duplicative compliance hurdles.

iv. USAC Performance Measurement Requirements (47 CFR § 54.313(a)(6))

The FCC's high-cost program performance measures require carriers to conduct quarterly speed and latency tests once they have deployed broadband under programs like CAF II, RDOF, etc., and to certify the results.[33] While network performance accountability is important, the ongoing quarterly testing mandate becomes redundant and burdensome after a provider has completed its buildout and shown compliance with speed/latency obligations. Providers that have

[33] 47 CFR § 54.313(a)(6).

met the required service standards at the end of buildout should not have to continuously devote resources to testing every quarter in perpetuity. Doing so imposes unnecessary costs—staff must set up test servers, manage testing processes, compile results, and file reports regularly. This is particularly costly and burdensome for small and rural providers who may have to hire consultants or divert staff from other projects just to meet FCC testing schedules. The competitive market already gives providers every incentive to maintain service quality: if they fail to deliver promised speeds to customers, they risk losing subscribers to competitors.

CCA recommends the Commission eliminate or greatly reduce the frequency of required performance testing once a carrier has certified its network buildout and met benchmarks. One approach could be to require testing for perhaps one year after build completion, then suspend further tests unless and until an issue arises. By scaling back the performance measurement program for carriers in good standing, the Commission can relieve an ongoing burden for providers who are actively working to grow and strengthen their networks.

v. Second Buildout Requirement for Small Wireless Licensees

CCA recommends that the Commission eliminate the second buildout requirement for wireless spectrum licensees, e.g., those with fewer than 2 million subscriber lines. Many wireless service rules require licensees to meet two performance milestones: an initial buildout benchmark and a subsequent, higher coverage threshold later in the license term. [34] While intended to promote full spectrum utilization, the second construction requirement imposes unnecessary and burdensome obligations on smaller providers with limited resources. Small and

[34] *See, e.g.*, 47 CFR § 24.103(b)(d) (requiring regional provider licensees to provide coverage to 37.5% of its coverage area within 5 years of initial license grant and 75% within 10 years of initial grant); 47 CFR § 27.14(g)(1)(2) (requiring licensees to provide coverage to 35% of coverage area within 4 years and 70% by the end of the license term or else its license authorization will terminate automatically).

rural carriers often struggle to secure the capital and personnel needed to meet the second, aggressive deployment deadline, even after meeting the initial buildout requirement and beginning to provide service.

Eliminating the second buildout obligation for carriers below a 2 million subscriber line threshold would allow these providers to focus on maintaining and gradually expanding their networks in a sustainable manner, rather than diverting resources to meet an inflexible mandate. This change would especially benefit rural deployment efforts, allowing carriers to prioritize network quality and incremental growth without fear of losing their licenses for failing to meet a one-size-fits-all metric. It would also likely encourage greater participation by smaller providers in spectrum auctions, improving competition and efficient spectrum use in underserved areas.

d. PUBLIC SAFETY AND NETWORK SECURITY

i. 911/988 Outage Reporting (47 CFR §§ 4.9, 9.19(a))

The Commission's 911/988 outage reporting rules require originating service providers (OSPs) to complete initial notifications to all PSAPs potentially affected by a 911 or 988 service outage within 30 minutes of discovery of an outage.[35] CCA expressed concerns repeatedly about this requirement,[36] and after the 911 outage rules were adopted, sought reconsideration of the rule in Petition for Reconsideration.[37] CCA maintains that 30-minute notification requirement is both unnecessarily burdensome and may result in false or over alerting. Thirty minutes is a very small window for providers to assess an outage, determine the affected PSAPs, and to send

[35] 47 CFR §§ 4.9, 9.19(a).

[36] Letter from Michael Mullinix, Assistant Vice President, Regulatory Affairs, CTIA, et al. to Marlene H. Dortch, Sec'y, FCC, PS Docket Nos. 15-80, 13-75, ET Docket No. 04-35, at 4 (filed Nov. 10, 2022).

[37] CCA Petition for Reconsideration, PS Docket Nos. 15-80 and 13-75, ET Docket No. 04-35 (filed Mar. 17, 2023).

initial alerts. This is particularly challenging for many OSPs who contract with specialized 911 or 988 service providers for call routing, transmission, and completion. OSPs often only learn of an outage from the third-party providers, further constraining the time small providers must act to comply with the FCC's rules. Many small providers lack the operational capacity to assess these outages so quickly, potentially resulting in a scenario where a provider must either choose to miss the 30-minute deadline or risk over-alerting or providing unconfirmed information.

ii. Outage Notification Methods (47 CFR § 4.9(e))

The 911 outage rules also require OSPs to contact PSAPs *by both telephone and email* for the initial notification. For large carriers, using multiple channels might be feasible via automated systems. But for a small carrier's team scrambling to respond to an outage, having to make redundant notifications by two different methods in the first minutes of an incident is unnecessarily duplicative and burdensome. An email notification alone is usually sufficient—it provides a written record and can be distributed to all relevant PSAP personnel. If a PSAP has requested phone contact, providers can accommodate that request, but mandating voice calls *and* emails across the board is unnecessary. This is especially true if the notification window remains extremely short; composing an email and then also calling numerous PSAPs (possibly waiting on hold or leaving messages) could significantly encroach on the response time. CCA recommends the FCC permit PSAP outage notifications via a single method (email or phone or other electronic means). Indeed, many PSAPs might actually prefer one method over the other. Removing the two-method requirement would simplify compliance for carriers and eliminate an unnecessary step that provides little added value in exchange for added strain on provider resources. The focus should be on ensuring the PSAP gets the message promptly in one reliable form, rather than forcing carriers to waste precious minutes sending duplicative notices.

iii. NG911 Location Accuracy Reporting (47 CFR § 9)

CCA agrees that during the transition to Next Generation 911 (NG911), ensuring accurate location information for emergency calls is critical. However, the Commission's rules requiring certain providers to file regular reports on 911 location accuracy (such as the percentage of wireless calls with dispatchable location or x/y coordinates meeting benchmarks) should not continue indefinitely once build-out milestones are met. Many carriers have now implemented the necessary technology to comply with 911 location accuracy requirements. After those systems are in place and tested, ongoing reporting each year or quarter becomes a rote exercise that consumes resources without yielding new insights. CCA there recommends that the Commission eliminate or significantly scale back location accuracy reporting once a carrier certifies compliance with the ultimate 911 location requirements. Removing needless reporting will let carriers focus on continuing to improve 911 call routing and reliability without diverting critical resources paperwork and compiling data that is of little use to the Commission.

iv. NG911 PSAP Designation Rules (47 CFR § 9.32)

The Commission's NG911 rules allow PSAPs (or their state/local authorities) to unilaterally designate the point of interconnection for NG911 traffic to which originating providers must deliver 911 calls. The current rule does not require any consultation or agreement with the carriers who must provision circuits or IP trunks to that point. An unfunded mandate for a small carrier to route calls to a distant interconnection point could be extremely costly or technically infeasible, potentially even reducing reliability. CCA proposes that the FCC modify Section 9.32 to require mutual agreement or at least consultation between PSAPs and originating service providers when designating NG911 ingress points. This ensures that carriers have input on the selection of a handoff that is technically feasible from their network and that backup

arrangements are considered. As CCA has previously noted, mutual agreement would better ensure technical feasibility and service continuity.[38]

We also urge the FCC to coordinate with state 911 authorities on funding—if a PSAP's choice imposes extra cost on carriers, there should be consideration of how to offset those costs (perhaps via 911 grant programs) rather than simply mandating the carrier absorbs the expense. By amending the rule to encourage collaboration rather than unilateral mandates, the Commission can help avoid conflicts and deployment delays in the NG911 transition. A cooperative approach will yield faster, more effective implementation than a rigid rule that could force impractical network changes.

v. MDRI Automatic Roaming Requirement (47 CFR § 4.17)

In its rules implementing the Mandatory Disaster Response Initiative (MDRI), the Commission mandated an automatic roaming requirement, requiring facilities-based mobile wireless providers to enter into bilateral roaming agreements with all other facilities-based mobile wireless providers from which it may foreseeably request roaming privileges, or vice versa.[39] This requirement has proven burdensome to many small and rural providers. CCA recommends that the FCC refrain from imposing mandatory bilateral roaming requirements under the MDRI framework, or at most limit it to a general duty to negotiate in good faith. Providers should retain the flexibility to coordinate roaming based on actual needs and mutual agreements, rather than via pre-arranged regulatory contracts. The Commission can encourage industry-led solutions (as it has done with the Wireless Network Resiliency Cooperative Framework) and step in only if there is evidence of a failure to cooperate.

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[38] Letter from Angela Simpson, General Counsel and SVP, Regulatory Affairs, CCA, to Marlene H. Dortch, Secretary, FCC, PS Docket Nos. 21-479 and 18-64 (filed July 12, 2024).

[39] 47 CFR § 4.17(a)(i).

vi. Wireless Emergency Alerts Reporting (47 CFR § 10.210(c))

Wireless providers participating in the Wireless Emergency Alerts (WEA) system will soon be required to update the FEMA-administered WEA database with information about their coverage and alert handling every six months.[40] For small and regional carriers, these twice-yearly updates will be burdensome and redundant. WEA configurations do not change that frequently— if a carrier's network coverage or WEA capabilities change, they will of course update the database, but being compelled to do a formal update every six months regardless imposes a regular workload with little benefit. CCA suggests that annual updates would be sufficient, or that the FCC allow carriers to certify if no changes have occurred since the last update rather than re-entering the same data. Small carriers report that the biannual schedule diverts resources from other resiliency work. Instead of updating a database twice a year, those resources could be spent hardening cell sites, installing backup power, or conducting public awareness of WEA—things that tangibly improve emergency communications. WEA is an important tool, and small changes to the rules can reduce burdens on providers who are already expending significant resources on a voluntary program.

e. PRIVACY AND SECURITY

i. CALEA Declaratory Ruling and Proposed Rules (47 CFR §§ 12.1-12.3)

In a recent declaratory ruling, the Commission suggested that the Communications Assistance for Law Enforcement Act (CALEA)[41]—which requires carriers to assist law enforcement with lawful intercept capabilities—also imposes general obligations on carriers to

[40] The update to 47 CFR § 10.210(c) was adopted by the Commission on October 23, 2023, but the effective date of the rule is delayed. *See* Emergency Alert System; Wireless Emergency Alerts; Correction, 89 Fed. Reg. 2885 (Jan. 17, 2024).

[41] Pub. L. 103–414, title I, § 105, Oct. 25, 1994, 108 Stat. 4283.

protect their networks from cybersecurity threats. [42] The accompanying Notice of Proposed Rulemaking proposes cybersecurity and supply chain risk management obligations to a broader set of providers.[43] CCA shares the goal of robust cybersecurity, but shares the concerns of other industry members about an expansive reading of CALEA that exceeds the statute's intent. CALEA was enacted to ensure law enforcement can conduct wiretaps with carrier assistance; it was not a cybersecurity statute. Other federal agencies, like the Cybersecurity and Infrastructure Security Agency (CISA), lead on cybersecurity for communications networks, and industry-driven best practices have been the primary approach. By using CALEA as a hook for a broad cybersecurity obligation on carriers, the FCC risks creating a parallel compliance regime for cybersecurity that may not mesh with these existing efforts. This could burden especially small carriers, who might suddenly face new FCC "cyber" rules on top of voluntary frameworks or DHS guidance. Moreover, it exposes carriers to expansive legal liability that was not contemplated in the CALEA statute and that could significantly chill investment and harm connectivity and competition in the communications industry. CCA recommends the Commission clarify that CALEA will not be used to enforce broad cybersecurity mandates. Instead, the FCC should collaborate in an inter-agency fashion, supporting DHS/CISA initiatives and only taking action under clear statutory authority. We urge the FCC to limit CALEA to its core purpose and avoid imposing any new certification or reporting requirements under the guise of CALEA. This will prevent duplicative or inconsistent requirements across agencies and allow carriers—especially those with limited security staff—to focus on implementing the substantive

[42] *Protecting the Nation's Communications Systems from Cybersecurity Threats*, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 25-9, PS Docket No. 22-239 (rel. Jan. 16, 2025).

[43] *Id.* ¶ 16.

protections recommended by cybersecurity authorities, rather than navigating a new FCC compliance regime.

ii. SIM Swap/Port-Out Fraud Rules (47 CFR § 64.2010)

The Commission's SIM Swap and Port-Out Fraud rules impose significant operational and financial burdens on providers by requiring a suite of new processes, system changes, and training programs.[44] Among other obligations, the rules mandate (1) secure customer authentication prior to executing a SIM swap or port-out request;[45] (2) prompt customer notification of such requests;[46] (3) account locking or freezing options for consumers;[47] (4) employee training programs to detect and respond to fraud.[48] While carriers are committed to protecting consumers, these mandates are costly and, in many cases, duplicative of protections that providers already have in place. [49]

As CCA, CTIA and NCTA - The Internet and Television Association have noted in the record, the Commission significantly underestimated the cost and complexity of compliance with these rules. Since the adoption of the rules, providers have worked diligently to meet the new requirements. However, implementation has proven as difficult, if not more so, than anticipated,

[44] *Protecting Consumers from SIM Swap and Port-Out Fraud*, Report and Order and Further Notice of Proposed Rulemaking, FCC 23-95, WC Docket No. 21-341 (rel. Nov. 26, 2023) ("SIM Swap Order").

[45] *Id.* ¶¶ 26, 54.

[46] *Id.* ¶¶ 35, 58.

[47] *Id.* ¶¶ 41, 61.

[48] *Id.* ¶ 69.

[49] Joint Petition for Limited Waiver or Other Relief of CTIA, Competitive Carriers Association, and NCTA – The Internet & Television Association, WC Docket No. 21-341 at 8-9 (filed June 26, 2024) (detailing the time-consuming and necessary steps carriers must take in implementing a single new requirement) ("CTIA, CCA, NCTA Joint Petition").

particularly for small and rural carriers operating with limited technical and financial resources.[50] CCA members report extensive operational strain and delays in securing vendor solutions, in some cases waiting months for BSS/OSS providers to deliver functionality needed to track and manage fraud-related data.[51]

The SIM swap and port-out fraud rules are unnecessary because existing CPNI rules and market incentives already drive carriers to invest in fraud prevention. Providers routinely use multi-factor authentication, account PINs, one-time passcodes, usage alerts, device analytics, and enhanced port-out verification to detect and prevent fraudulent activity.[52] Carriers are acutely aware that failure to secure customer accounts results in reputational harm, customer loss, and potential legal liability. Providers already have every incentive—and capability—to safeguard consumers without new federal mandates.

If the Commission declines to eliminate the rules in their entirety, it should at a minimum eliminate two of the most burdensome components whose costs far outweigh their purported benefits: the customer authentication requirement and associated recordkeeping obligations. The "blind" customer authentication requirement—designed to ensure that customer representatives cannot access sensitive information until a customer's identity is verified[53]—has proven especially difficult for small and rural carriers to implement. Their systems were not built to

[50] *See, e.g.*, Letter from Angela Simpson, General Counsel and SVP, Regulatory Affairs, to Nicole Ongele, FCC, OMB Control Nos. 3060-0715 and 3060-0742; CC Docket No. 21-341 (filed Aug. 26, 2024); Comments of CTIA, OMB Control Nos. 3060-0715 and 3060-0742, WC Docket No. 21-341 (filed Nov. 24, 2024); Comments of NCTA – The Internet & Television Association, OMB Control Nos. 3060-0715 and 3060-0742, WC Docket No. 21-341 (filed Aug. 24, 2024); Comments of Competitive Carriers Association, OMB Control Nos. 3060-0715 and 3060-0742, WC Docket No. 21-341 (filed Aug. 24, 2024) ("CCA OMB Letter").

[51] CCA OMB Letter at 4.

[52] *See* CTIA, CCA, NCTA Joint Petition at 14.

[53] 47 CFR § 64.2010(h)(1).

support this functionality and the costs to retrofit and modify them are disproportionately high. In addition, the recordkeeping requirement mandates that providers log all SIM swap and port-out requests, authentication attempts, and outcomes, and retain these records for at least three years for FCC review upon request.[54] These obligations have proven to be excessively costly and offer little marginal benefit in improving consumer protection. Several CCA members reported that implementation alone could costs between $40,000 and $75,000 per provider, covering vendor development costs and internal staffing—resources that could otherwise be spent directly improving network security and fraud detection tools.[55]

The Commission should therefore eliminate the SIM swap and port-out fraud rules, or at a minimum, remove the customer authentication and recordkeeping requirements, both of which impose high compliance costs without yielding commensurate consumer protection benefits.

iii. Data Breach Rule Definitions and Reporting Requirements (47 CFR § 64.2011)

CCA shares the Commission's goal of keeping Customer Proprietary Network Information (CPNI) safe and protecting against data breaches. However, in the Commission's 2023 *Data Breach Reporting Order*,[56] the Commission adopted several rules that are excessively burdensome and may introduce unintended challenges that undercut the Commission's goals. Specifically, the Commission should consider eliminating or significantly paring down the rules broadening covered information, broadening the definition of "breach," and the definition of "harm" used to determine whether a breach triggers a notification obligation to consumers.

[54] SIM Swap Order ¶ 46.

[55] CCA OMB Letter at 4.

[56] *Data Breach Reporting Requirements*, Report and Order, FCC 23-111, WC Docket No. 22-21 (rel. Dec. 21, 2023) ("Data Breach Order").

The *Data Breach Reporting Order* expanded the scope of covered data from CPNI to also include Personally Identifiable Information (PII).[57] The significantly broadened scope of covered data is concerning for the burden it will pose on small providers and also because it is questionable whether the Commission has the legal authority to extend its reporting requirements in such a manner. The *Data Breach Reporting Order* also adopted a harm-based trigger requirement for customer notifications of an expected breach.[58] The Commission argued that a notification trigger serves the public interest by "protecting customers from over-notification and notice fatigue" and to allow small and rural providers "to focus their resources" on incidents where harm was most likely to occur.[59] The rules would be triggered by "disclosure of private acts, reputational or dignity harm, mental pain and emotional distress, the disclosure of contact information for victims of abuse, and other similar types of dangers."[60] As CCA and others have emphasized, the Commission's definition of harm that would trigger notification is so broad as to not be a meaningful standard at all.[61] Providers are likely to have insufficient information to determine whether such subjective harms are "reasonably likely" to have resulted in a particular incident. Investigating whether an incident caused harm could itself raise privacy concerns and create confusion for providers and their customers. Small providers in particular may not have the resources to fully determine whether harm occurred and instead err on the side of caution and notify customers for fear of noncompliance. This in turn, could lead to over-notification and

[57] *Id.* ¶ 17.

[58] *Id.* ¶ 52.

[59] *Id.*

[60] *Id.* ¶ 55.

[61] *See* Comments of Competitive Carriers Association, WC Docket No. 22-21 (filed Feb. 22, 2023).

reporting fatigue among consumers, who may receive a number of alerts of potential breach that they ignore or dismiss the alerts notifying them of known possible harm.

iv. Annual Reporting of Minor Breaches (47 CFR § 64.2011(d))

The Commission's rules adopted in the *Data Breach Reporting Order* require carriers to submit an annual summary of data breaches to federal agencies of incidents that fall below a 500-customer threshold and no harm to consumers was likely to occur.[62] The Commission does not give sufficient justification to warrant requiring carriers, many with extremely limited resources, to provide such annual reports to the Commission. Reporting breaches affecting fewer than 500 individuals and without harm should not be required. The burdens of compliance outweigh any informational benefit. Instead, the Commission could simply require carriers to collect this information and make it available by legitimate request from the Commission.

II. OTHER CONSIDERATIONS

a. Cumulative Burdens

In considering new rules that pose new obligations on providers, it is important for the Commission to consider the cumulative burden on providers, especially small and rural providers, in complying with a range of new mandates that take effect in close succession. In the last several years, the Commission has proposed or mandated rules to combat SIM Swap and Port Out fraud, NG911 network transitions, rules implementing the Safe Connections Act, additional data breach reporting obligations, robocall mitigation rules, additional Wireless Emergency Alert rules, and more. As CCA has noted consistently, it appears that many rules were adopted with little regard for the cost of overlapping obligations. An individual mandate might be manageable, but layering them simultaneously forces small carriers to divert outsized

[62] Data Breach Order ¶ 39.

resources to compliance. While larger and nationwide providers may have dedicated teams or engineers and lawyers to focus on a specific area, many small and rural providers must stretch their staff to implement all of these obligations at once, straining budgets that would otherwise go towards network upgrades. CCA therefore urges the Commission to take a more holistic approach when it considers to rulemakings, accounting for the full slate of obligations already on the books before adding new ones. The Commission should especially calibrate new requirements and timelines in light of the cumulative burden on small providers.

b. Reporting Obligations Should be Streamlined to Prevent Duplicative Reporting

Beyond substantive mandates, small and rural providers struggle under the administrative load of reporting and certification requirements. The Commission's rules currently require dozens of filings on strict schedules—each carrying its own paperwork and deadline. Providers must submit everything from quarterly revenue worksheets for USF contributions, to semiannual numbering reports, to annual certifications (covering CPNI accessibility, supply chain security, hearing aid compatibility, etc.), to periodic data predictions like broadband availability and 911 location accuracy reports. While each filing serves a purpose, in the aggregate they impose a staggering paperwork burden that falls heavies on carriers with small staff. In fact, the burden has become so significant that CCA members report having to closely monitor and maintain significant spreadsheets detailing the many different reporting obligations. In at least one instance, a CCA member found the administrative challenges so difficult that it was compelled to hire additional attorneys for these filings and certifications. CCA urges the Commission to pare back these administrative burdens by either eliminating those filings and report that offer little benefit to the Commission, or by making efforts to streamline reporting by avoiding duplicative reporting or by combining filings.

c. Threshold-Based Rule Applicability for Small Providers

CCA urges the Commission to consider adopting a size threshold-based approach to rule applicability where possible that recognizes the resource constraints of smaller carriers. Specifically, the Commission should exempt or tailor certain compliance obligations for providers serving fewer than 2 million subscribers that would otherwise impose disproportionate burdens on these carriers.

A one-size-fits-all regulatory framework disproportionately impacts these small and rural carriers, which lack the economies of scale and compliance resources of nationwide carriers. By establishing a subscriber-based threshold, the Commission can ensure its rules achieve their intended purposes without imposing undue burdens on smaller carriers. This would allow smaller providers to direct more of their limited resources toward network deployment and service improvements in underserved areas, rather than to compliance efforts. In adopting such an approach, the Commission can ensure its consumer protection and public safety objectives are being met while allowing smaller providers the ability to compete more effectively.

d. Recovery Time Between Adoption of New Rules

Lastly, CCA urges the Commission to recognize the need for recovery and implementation time between major rules. In recent years, the Commission's regulatory cadence has been unrelenting: no sooner do providers scramble to meet mandate than a new proposal is put forth. This rapid-fire sequence is especially had on small and rural carriers who often lack the teams needed to simultaneously design, test, and deploy multiple compliance solutions. CCA urges the Commission to moderate its pacing—allowing for reasonable intervals for providers to digest and implement significant rules before layering on new obligations. The wireless E911 Location Accuracy (Z-Axis) proceeding demonstrates this issue. After providers invested heavily

to meet the Commission's Z-Axis location accuracy requirements for April 2024 and April 2025, and are working to meet April 2026 compliance deadlines,[63] the Commission just recently moved to consider even stricter mandates.[64]

While improved 911 accuracy is a laudable goal, the recent tendency toward immediate follow-on rulemaking gives providers virtually no respite. CCA has cautioned that back-to-back obligations create increased costs and operational strains, warranting longer lead times and phased approaches. CCA urges the Commission to build in some breathing room for providers: when a major compliance deadline passes, the Commission should refrain from adopting new related rules to allow carriers to stabilize and recoup. Regulatory goals will be best achieved when providers have the bandwidth to implement rules effectively. Rushing the next mandate before the last one has been fully implemented and settled can lead to errors or sub-optimal measures that undermine the rules' intent. A measured approach to rule implementation will ultimately support the Commission's goals, as small and rural providers with sufficient time to recalibrate can more effectively work towards their ultimate mission of providing improved broadband access to its consumers, rather than be stuck in a perpetual regulatory catch-up cycle.

CONCLUSION

CCA appreciates the Commission's willingness to examine and modernize its rules to ensure they remain effective, proportionate, and consistent with statutory authority. As detailed above, a number of current rules impose outsized compliance burdens, particularly on small and

[63] *Wireless E911 Location Accuracy Requirements*, Fifth Report and Order and Further Notice of Proposed Rulemaking, FCC 19-124, PS Docket No. 07-115 (rel. Nov. 25, 2019); *Wireless E911 Location Accuracy Requirements*, Sixth Report and Order and Order on Reconsideration, FCC 20-98, PS Docket No. 07-115, (rel. July 17, 2020).

[64] *Wireless E911 Location Accuracy Requirements*, Further Notice of Proposed Rulemaking, FCC 25-22, PS Docket No. 07-115 (rel. Mar. 27, 2025).

rural providers, without corresponding public interest benefits. These rules—many of which are duplicative, outdated, and overly prescriptive—divert limited resources from network investment, innovation, and service improvements. Eliminating or narrowing these obligations will allow competitive carriers to better serve consumers, especially in high-cost and underserved areas. CCA urges the Commission to adopt a balanced and pragmatic approach: eliminate rules that are no longer necessary, streamline those that remain, and provide recovery time between major regulatory changes. Doing so will not only reduce unnecessary regulatory burdens but will also promote sustainable and equitable broadband deployment throughout the country.

Respectfully submitted,

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